

NOTICE OF SECOND PUBLIC HEARING ON PROPOSED CHARTER CHANGES

Pursuant to the requirements of 17 V.S.A. Sec. 2645, a public hearing concerning proposed amendments to Article 19, section 48, subsection 58 of the Burlington City Charter will be held Monday, September 26, 2016 at 7:00 P.M. in Contois Auditorium, City Hall, Burlington, VT.

The following changes (deleted matter in brackets and strikeout and new matter underlined) are being proposed by the City Council:

“Shall the Charter of the City of Burlington, Acts of 1949, No. 298 as amended be further amended to amend Article 19 Powers of City Council, Section 48, subsection 58 as follows:

ARTICLE 19. POWERS OF CITY COUNCIL

48 Enumerated.

The city council shall have power:

...

(58) (A) To acquire and hold by lease, purchase, gift, condemnation under the provisions of sections 2805 through 2812, inclusive of Title 24 of the Vermont Statutes Annotated, as amended, or otherwise, and to maintain and operate within the limits of Chittenden County, a municipal parking lot or lots, ~~and~~ a municipal parking garage or garages, and any other municipal parking structure(s). and to alter, improve, extend, add to, construct, and reconstruct such lots or garages, subject, however, to the provisions hereinafter contained in this subdivision. In exercising the foregoing power, and notwithstanding the preceding sentence, the city council shall not, except pursuant to subdivision (50) of this section and section 276 of this Charter, have authority to acquire any property outside the limits of the City of Burlington through the use of the power of eminent domain or condemnation. The city council shall not be exempt from the responsibility for securing all applicable permits from any community within Chittenden County outside the limits of Burlington in which it desires to construct a parking lot or garage. Any parking lot or garage constructed by the city outside the corporate limits of Burlington shall be subject to the ad valorem property tax of the community in which it is located.

(B) The board of public works commissioners shall have general control, management and supervision of all municipal parking lots and garages. Said board shall have power to make regulations with respect to the use of all such municipal parking lots and garages, including reasonable terms, conditions and charges, and shall also have the power to regulate the parking, operation and speed of vehicles and pedestrian and vehicular traffic on the public highways of the city, including such ways, streets, alleys, lanes or other places as may be

open to the public, to erect, maintain and operate ~~coin-operated parking meters~~ equipment and systems for the regulations of parking of vehicles, to govern and control the erection of guideposts, street signs and street safety devices on said highways, and to prescribe regulations and penalties for violation of the same in respect to all of said matters and to remove and impound as a public nuisance, at the expense of the owner, any vehicle found parking on a public highway or in a municipal parking lot or garage in violation of any city ordinance or any regulation hereunder, and to prescribe the terms and conditions upon which the owner may redeem such vehicle from the pound, which regulations, when published in the manner provided in section 49 for the publication of ordinances, shall have the force and effect of ordinances of the city, and violations of which shall be subject to the penalties provided in section 50 of this Charter. All ordinances of the city, and all regulations of the board of parking commissioners, in effect prior to July 1, 1959, shall remain in full force and effect notwithstanding that the subject matter thereof shall be within the jurisdiction of the board of public works commissioners, unless and until such board shall, by regulation duly adopted and published, alter, amend or repeal the same.

(C) Said board shall also from time to time recommend to the city council the acquisition or construction of municipal parking lots or garages, and the city council shall not authorize such acquisition or construction without such recommendation, nor shall the city council dispose of or lease to others for operation any municipal parking lot or garage without the recommendation of said board.

(D) All receipts from the operation or lease of ~~said~~ municipal parking lots and garages shall be kept by the city treasurer in a separate fund, which shall not at the end of any fiscal year become a part of the general fund of the city under the provisions of section 65 of this Charter, except as hereinafter provided to be known as the Parking Facilities Fund and shall be used - ~~Expenditures from said fund may be authorized by said board for the purpose of paying any and all operating expenses related to operating, maintaining, acquiring, constructing, or expanding of said lots and garages, including salaries and rentals, any payments on any obligation incurred for construction or repair of those lots or garages. Any amounts unused at the end of a fiscal year shall be carried over to the next fiscal year. All revenues generated from on-street parking equipment and systems shall be used by the city council for traffic regulation and control, including but not limited to acquisition or maintenance of parking facilities; proper repair or construction of streets, sidewalks, and bridges; traffic or parking demand management facilities, planning, or services; traffic calming measures; and other transportation-related activities. In addition, the city council may vote to place any such revenues in the Parking Facilities Fund, at its discretion. There shall also be credited to said fund by the city treasurer such portion of the receipts of traffic meter installations on the public streets of the city as is not appropriated by the city council for the purpose of purchasing and operating said traffic meter~~

~~installations or controlling or regulating traffic. At the close of each fiscal year the city treasurer shall credit to the general fund of the city such portion of the balance of said fund, after the payment of operating expenses, as may be required to meet interest payments on any obligations issued for the purpose of acquiring, altering, improving, extending, adding to, constructing or reconstructing such parking lots or garages, and shall further credit to the sinking fund of the city such further portion of said balance as may be required to meet principal payments on any obligations issued for said purpose, provided, however, that any pledge, assignment or hypothecation of net revenues under paragraph (E) shall be complied with before making such credits.~~

(E) If it shall reasonably appear to ~~said~~ the board of public works commissioners at any time that the receipts from ~~said~~ the existing municipal parking lots or garages are in excess of the amounts required for the purposes enumerated in the preceding paragraph, and that the acquisition of further lots or garages is not required, they shall cause rates and charges for the use of said lots and garages, or some of them, to be reduced.

(F) If the board of public works commissioners, Subject pursuant to the provisions of paragraph (C) of this subdivision, has recommended the acquisition or construction of a new parking lot or garage, the city council may from time to time pledge, assign or otherwise hypothecate the net revenues from said lots or garages, after the payment of operating expenses, and may mortgage any part or all of said lots or garages, including personal property located therein, to secure the payment of the cost of purchasing, acquiring, leasing, altering, improving, extending, adding to, constructing or reconstructing said lots or garages, but the city council shall not pledge the credit of the city for any of said purposes except in accordance with the provisions of section 62 of this Charter.?”

* Material underlined added.

**Material stricken out deleted.

The official copy of the proposed charter amendments with the specific changes being proposed shall be posted in or near the Clerk's Office and at least two public places in the city by Friday, September 9, 2016 for public inspection; copies will also be made available to members of the public upon their request.